

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

**TENTATIVE ORDER NO. R9-2002-0020
NPDES NO. CAG679001**

**GENERAL WASTE DISCHARGE REQUIREMENTS
FOR
DISCHARGES OF HYDROSTATIC TEST WATER AND POTABLE WATER TO SURFACE
WATERS AND STORM DRAINS OR OTHER CONVEYANCE SYSTEMS**

SAN DIEGO REGION

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The California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board), finds that:

1. Water purveyors, water districts, municipalities, and private entities may discharge hydrostatic test water and/or potable water to various receiving waters within the San Diego Region.
2. Certain constituents potentially contained in hydrostatic test water and potable water discharges threaten to cause or contribute to excursions above narrative and numeric water quality objectives contained in state and federal regulations.
3. Potable water¹ discharges include discharges resulting from repair, maintenance, and disinfection of pipelines, tanks, and reservoirs dedicated to drinking water purveyance and storage. This permit does not apply to potable water being discharged for conveyance with the purpose of transport or delivery to storage (e.g. potable water and/or process water that is returned to a drinking water reservoir).
4. Hydrostatic test water discharges are those discharges resulting from testing of pipelines, storage tanks, storage vessels, and conveyance vessels that are dedicated to drinking water purveyance and storage as well as testing of newly constructed non-drinking water (gas, oil, reclaimed water, etc.) pipelines, tanks, and vessels. This permit does not cover discharges from hydrostatic tests done on used non-drinking water pipelines, tanks, and vessels.
5. The U.S. EPA granted the State of California, hence the State and Regional Boards, the authority to issue general NPDES permits pursuant to 40 CFR Sections 122 and 123.
6. NPDES Regulations, 40 CFR 122.28, provides for the issuance of general permits to regulate discharges of waste which result from similar operations, are the same type of waste, require the same effluent limitations, require similar monitoring, and are more appropriately regulated under a general permit rather than individual permits.
7. This Order shall serve as a general NPDES permit for hydrostatic test water and potable water discharges to surface waters within the San Diego Region and storm drains or other conveyance

¹ For the purpose of this Order, potable water will refer to all water dedicated for municipal supply, including treated and non-treated potable water and raw water (e.g. aqueduct water, reservoir water, and potable well water).

systems tributary thereto pursuant to Section 402 of the federal Clean Water Act, and amendments thereto.

8. To minimize potential impacts from hydrostatic test water and potable water discharges on the beneficial uses of surface waters within the San Diego Region, this Order requires the application of best available technology economically achievable (BAT) for the removal of pollutants commonly found in hydrostatic test water and potable water discharges. Discharges in compliance with BAT-based effluent limitations are not expected to have a significant impact on the beneficial uses of surface waters within the San Diego Region.
9. Hydrostatic test water and potable water discharges covered under Order No. R9-2002-0020 include, but are not limited to, discharges that result from the following:
 - Repair and maintenance of potable water supply pipelines, tanks, reservoirs, etc.;
 - Disinfection of potable water supply pipelines, tanks, reservoirs, etc.; and
 - Hydrostatic testing of pipelines, tanks, vessels, etc.
10. For coverage under this general permit, a discharger is required to submit a complete Notice of Intent Form (see *Attachment A*) together with information described in *Application Requirements, E* and to receive approval from the Executive Officer. If the proposed discharge meets the requirements of this general permit, the Executive Officer will provide the discharger with a written authorization letter (Enrollment Letter) to initiate the discharge.
11. A discharger that has multiple projects during the year, which result in the type of discharges described in *Finding 9* of this Order, can be enrolled under one authorization letter. A summary of the discharges expected over the next 12-month has to be submitted with the initial Notice of Intent (*Attachment A* of this Order) and on a yearly basis thereafter.
12. Hydrostatic test and/or potable water discharges of less than 500,000 gallons per day (GPD) are exempt from the requirements of the Monitoring and Reporting Program No. R9-2002-0020 if all of the following are met: (1) the discharge is directly into a MS4 storm drain² OR the discharge is directly into a blue-line stream (streams shown on USGS topographic maps), creek, river, etc. but will percolate and/or evaporate prior to reaching any receiving water; (2) the discharge does not contain pollutants in excess of the levels specified in this Order; and (3) the discharger is implementing a Best Management Practices Plan before, during, and after the discharge.
13. Pursuant to Chapter 7, Article 7, Section 13550 of the Porter-Cologne Water Quality Control Act (Water Code) on preventing waste and unreasonable use of waters of the State, this Regional Board encourages, wherever practical, water conservation and/or reuse of wastewater. To obtain coverage under this general permit, the discharger shall first investigate the feasibility of conservation, land disposal, and/or re-use of the water. Such options, which would not require an NPDES permit, would include discharges to the sanitary sewer system, discharges to land, such as use of the water for soil compaction, dust control, percolation, or irrigation.

² storm drains, for the purpose of this Order, refer to a man-made storm water conveyance system as opposed to channelized or natural drainage, and does not include blue line streams, creeks, or rivers that are either ephemeral or perennial.

14. This Order is not applicable to discharges of recycled water from any recycled water conveyance system or related appurtenance, unless potable water is used for the initial hydrostatic testing. Discharges of recycled water are regulated under *Recycled Water Permits*, which have been issued to purveying agencies.
15. The Regional Board or the Director of the United States Environmental Protection Agency may require any person requesting authorization to discharge under this Order to apply for and obtain an individual NPDES permit. Cases where an individual NPDES permit may be required include, but are not limited to, those described in 40 CFR 122.28 (b)(3).
16. Effluent limitations and toxic and effluent standards established pursuant to Section 301, 302, 303, 304, 306, 307, and 403 of the federal Clean Water Act (CWA), as amended (33 U.S.C., Section 1251 et seq.), are applicable to discharges regulated under this Order.
17. The State Water Resources Control Board (hereinafter State Board), in the *Water Quality Control Policy for Enclosed Bays and Estuaries of California* (Bays and Estuaries Policy) promulgated water quality principles, quality requirements for waste discharges, discharge prohibitions, and general provisions to prevent water quality degradation and to protect the beneficial uses of waters in the enclosed bays and estuaries of California.
18. Hydrostatic test water and potable water discharges, as limited by Order No. R9-2002-0020, will comply with the Bays and Estuary Policy provided that discharges comply with *Discharge Specifications, B*, of this Order.
19. The *Comprehensive Water Quality Control Plan, San Diego Basin (9)* (Basin Plan) contains prohibitions applicable to discharges to surface waters. The applicable prohibitions of the Basin Plan have been incorporated herein as *Attachment B*.
20. The *Water Quality Control Plan for Ocean Waters of California* (Ocean Plan) contains prohibitions applicable to discharges to the ocean in order to protect the beneficial uses of the ocean waters of the State.
21. Hydrostatic test water and potable water discharges, as limited by Order No. R9-2002-0020, will comply with the Ocean Plan provided that discharges comply with *Discharge Specifications, B*, of this Order.
22. The U.S. EPA promulgated the final California Toxic Rule (CTR) on May 18, 2000, as required by Section 303(c)(2)(B) of the federal Clean Water Act. The CTR regulations, codified in 40 CFR 131.38, establish numeric criteria for water quality standards for priority toxic pollutants for the State of California.
23. The *Policy for Implementation of Toxic Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (Implementation Policy) provides guidance for the development of effluent limits for priority toxic pollutants that will be consistent with water quality criteria for such pollutants promulgated by the U.S. EPA in 40 CFR 131.38.

24. The CTR and the Implementation Policy are applicable to hydrostatic test water and/or potable water discharges.
25. On January 3, 2002 the San Diego County Water Authority (SDCWA) submitted to the Regional Board analytical results of testing conducted on potable water discharged from their distribution system during a routine maintenance project. The data was evaluated by utilizing the Implementation Policy. The results indicated that no limits for priority toxic pollutants are necessary.
26. The Regional Board considers the CTR analysis results as being representative of the potable water distributed in the San Diego Region.
27. Pursuant to 40 CFR 131.12 and State Board Resolution No. 68-16, *Statement of Policy with Respect to Maintaining High Quality of Waters in California* (collectively "Antidegradation Policies"), antidegradation analysis is not necessary since Order No. R9-2002-0020 protects existing instream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected.
28. The requirements contained in this Order are consistent with and are established by considering, all water quality control policies, plans, and regulations mentioned above and, if the requirements are met, will protect and maintain the beneficial uses of the receiving waters.
29. Discharges covered under this General Permit are not expected to cause toxicity, therefore no acute or chronic toxicity limits are specified in this Order.
30. This general permit is exempt from the requirement for preparation of environmental documents under the California Environmental Quality Act (Public Resources Code, Division 13, Chapter 3, Section 21000 et seq.) in accordance with the California Water Code, Section 13389.
31. The Regional Board, in establishing the requirements contained herein, considered factors including, but not limited to, the following:
 - a. Beneficial uses, such as estuary and wildlife habitats, to be protected and the water quality objectives reasonably required for that purpose;
 - b. The need to prevent nuisance, such as obstruction to the free use of property;
 - c. Environmental characteristics of the waters under consideration;
 - d. The need to develop and use recycled water; and
 - e. Water quality conditions that could reasonably be achieved through the coordinated control of all factors that affect water quality in the area.
32. This Order or the Enrollment Letter shall be modified or revoked at any time if, on the basis of any data, the Regional Board determines that continued discharges may cause unreasonable degradation of the aquatic environment.

33. This Order or the Enrollment Letter does not convey any property rights of any sort, or any exclusive privileges. The requirements prescribed herein do not authorize the commission of any act causing injury to persons or property of another, nor protect the Enrollee from liabilities under federal, state, or local laws, nor create a vested right for the Enrollee to continue the waste discharge.
34. It shall not be a defense for the Enrollee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with this Order or the Enrollment Letter.
35. It shall not be a defense for the Enrollee in an enforcement action that effluent limitation violations are a result of analytical variability rendering the results inaccurate. The validity of the testing results, whether or not the Enrollee has monitored or sampled more frequently than required by this Order, shall not be a defense to an enforcement action.
36. The Regional Board has notified all known interested parties of its intent to adopt this general NPDES permit for hydrostatic test water and potable water discharges to surface waters within the San Diego Region and has provided them with an opportunity to submit their written comments and recommendations.
37. The Regional Board has, in a public meeting, heard and considered all comments pertaining to Order No. R9-2002-0020.

IT IS HEREBY ORDERED, that each discharger, their agents, successors, and assigns, who are discharging the type of wastes listed in *Finding 9*, above, (hereinafter Enrollee or discharger), in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder and the provisions of the Clean Water Act and the regulations adopted thereunder, shall comply with the following:

A. PROHIBITIONS

1. The discharge of oil, trash, industrial waste sludge, or other solids directly to the surface waters in this region or in any manner, which could ultimately affect surface waters in this region, is prohibited.
2. The discharge of any substances in concentrations toxic to animal or plant life is prohibited.
3. The discharger shall not cause water pollution and nuisance, including unusual odors or other nuisances beyond the limit of each discharger's facility.
4. Compliance with Discharge Prohibitions contained in the Basin Plan (*Attachment B*) is required as a condition of this Order.
5. Compliance with 40 CFR Standard Provisions (*Attachment C*) is required as a condition of this Order.

6. Compliance with Discharge Prohibitions as stated in the 1974 Bays and Estuaries Plan (*Attachment D*) is required as a condition of this Order.

B. DISCHARGE SPECIFICATIONS

1. The discharger shall not cause pollution, contamination, or nuisance, as those terms are defined in CWC, Section 13050, as a result of the treatment or discharge of wastes.
2. Hydrostatic test and/or potable water discharges shall not contain concentrations in excess of the following:

CONSTITUENTS	UNITS ³	MAXIMUM CONCENTRATION ⁴
Daily Flow	GPD	Specified in the Enrollment Letter. ⁵
Total Residual Chlorine	mg/L	0.1
pH	Units	Within the limits of 6.0 and 9.0 at all times.

³ GPD = gallons per day, mg/L = milligram per liter

⁴ The maximum effluent concentration limitation shall apply to flow weighted 24-hour composite samples, or grab samples if the duration of the discharge is less than 24 hours.

⁵ The daily maximum discharge flowrate limitation for each discharge will be specified in the Enrollment Letter.

3. The discharge of hydrostatic test and/or potable water shall not cause the receiving water to exceed the water quality objectives specified in *Attachment E* (Water Quality Objectives by Hydrological Unit, taken from Table 3.2 of the Basin Plan).
4. The discharge shall not contain oils, greases, waxes, or other materials in concentrations which result in a visible film or coating on the surface of the receiving water or on objects in the receiving water, or which cause nuisance or which otherwise adversely affect beneficial uses of the receiving water.

C. RECEIVING WATER LIMITATIONS

1. The discharge shall not cause the following to be present in receiving waters:
 - a. Toxic pollutants at concentrations that will bioaccumulate in aquatic life to levels that are harmful to aquatic life or human health;
 - b. Biostimulatory substances at concentrations that promote aquatic growth to the extent that such growth causes nuisance or adversely affects beneficial uses;
 - c. Chemical substances in amounts that adversely affect any designated beneficial use;

- d. Visible floating materials, including solids, liquids, foams, and scum;
 - e. Oils, greases, waxes, or other materials in concentrations that result in a visible film or coating on the surface of the receiving water or on objects in the water;
 - f. Suspended or settleable materials in concentrations that cause nuisance or adversely affect beneficial uses;
 - g. Taste or odor-producing substances in concentrations that alter the natural taste, odor, and/or color of fish, shellfish, or other edible aquatic resources; cause nuisance; or adversely affect beneficial uses; and
 - h. Substances that result in increases of BOD₅20°C (5-day, 20°C biochemical oxygen demand) that adversely affect beneficial uses.
2. The discharge shall not cause the following to occur in the receiving waters:
- a. Dissolved oxygen levels less than 5.0 mg/L in waters designated for MARINE or WARM beneficial uses or less than 6.0 mg/L in waters designated for COLD beneficial uses. The annual mean dissolved oxygen concentration shall not be less than 7.0 mg/L more than 10% of the time;
 - b. Changes in ambient pH levels shall not exceed 0.2 units in waters designated MARINE, or ESTUARINE, or SALINE. Changes in normal ambient pH levels shall not exceed 0.5 units in fresh waters designated COLD or WARM;
 - c. The temperature at any time or place and within any given 24-hour period to be altered by more than 5°F above natural temperature; but at no time be raised above 80°F for waters designated WARM;
 - d. The turbidity to increase to the extent that such an increase causes nuisance or adversely affects beneficial uses; such increase shall not exceed 20% when the natural turbidity is over 50 NTU or 10% when the natural turbidity is 50 NTU or less;
 - e. Residual chlorine in concentrations that persist and impairs beneficial uses;
 - f. Any individual pesticide or combination of pesticides in concentrations that adversely affect beneficial uses or increase pesticide concentration in bottom sediments or aquatic life; and
 - g. Sedimentation in the receiving water.
3. The discharge shall not alter the color, create a visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters.
4. The discharge shall not degrade surface water communities and population including vertebrate, invertebrate, and plant species.

5. The discharge shall not damage, discolor, nor cause formation of sludge deposits on flood control structures, storm water conveyance systems or other facilities nor overload their design capacity.

D. ELIGIBILITY

1. This Order is applicable for existing and future discharges that result from the following:
 - Repair and maintenance of potable water supply pipelines, tanks, reservoirs, etc.;
 - Disinfection of potable water supply pipelines, tanks, reservoirs, etc.; and
 - Hydrostatic testing of pipelines, tanks, vessels, etc.
2. Discharges must meet the following criteria to be covered under this Order:
 - Pollutant concentrations in the discharge shall not cause violation of any applicable water quality objective for the receiving waters, including discharge prohibitions;
 - The discharge shall not cause acute or chronic toxicity in receiving waters; and
 - The discharge shall not need waste treatment systems to meet the requirements of this Order. De-chlorination is not considered to be a 'treatment system', as described in the Fact Sheet, *Authority, E*.
3. Current or existing discharges, which meet the eligibility criteria, must submit an application (pursuant to *Application Requirements, E*, and *Provisions, F*, below) to obtain authorization to discharge.
4. When an individual NPDES permit with more specific requirements for hydrostatic test water and potable water discharges is issued to an Enrollee, the applicability of this Order to that Enrollee is automatically terminated on the effective date of the individual permit.

E. APPLICATION REQUIREMENTS

All new applicants shall submit an application at least 60 days before the planned commencement of discharge to obtain an Enrollment Letter from the Executive Officer. The application shall consist of the following information:

1. Completed Notice of Intent Form (see *Attachment A*).
2. A report for each project, proposed over the next 12-month period, that is expected to result in a discharge of 500,000 GPD or greater. The report should include the following:
 - Characterization of the proposed discharge (see *Finding 9*);

- The estimated average and maximum daily flow rates for the proposed discharge (if known);
 - The frequency and duration of the discharge (if known); and
 - The proposed date of the discharge (if known).
3. A report for each project, proposed over the next 12-month period, that is expected to result in a discharge of less than 500,000 GPD and does not meet one or more of the following:
- The discharge is directly into a MS4 storm drain OR is directly into a blue-line stream, creek, river, etc., but will percolate and/or evaporate prior to reaching any receiving water;
 - The discharge does not contain pollutant in excess of the levels specified in this Order; and
 - The discharger is implementing a Best Management Practices Plan before, during, and after the discharge.

The report should include the items listed in *Application Requirements, E2*.

4. Any other information deemed necessary by the Executive Officer.

F. PROVISIONS

1. As used in this Order, waste includes an Enrollee's total discharge of whatever origin, i.e. gross, not net, discharge.
2. Neither the treatment nor the discharge of wastes shall create a pollution, contamination, or nuisance as defined by Section 13050 of the California Water Code.
3. The Enrollee shall take all reasonable steps to minimize, correct, or prevent any adverse impact on the environment resulting from noncompliance with this Order or the Enrollment Letter, including such accelerated or additional monitoring as may be necessary to determine the nature and impact of the non-complying discharge.
4. The Enrollee shall comply with the effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations, even if this Order has not yet been modified to incorporate the requirement.
5. An authorized discharge, either separately or jointly with any other discharge, shall not cause a violation of any applicable water quality standard for receiving waters adopted by the Regional Board or the SWRCB as required by the CWA and regulations adopted thereunder. If more stringent applicable water quality standards are promulgated or

approved pursuant to Section 303 of the CWA or amendments thereto, the Regional Board will revise and modify this Order in accordance with the more stringent standards.

6. This Order or the Enrollment Letter is not transferable to any person/agency except after notice to the Regional Board. The Regional Board may require the transmittal of a new application to change the name of the Enrollee and incorporate such other requirements as may be necessary under the California Water Code and the Clean Water Act. The Enrollee shall submit notice of any transfer of this Order's responsibility and coverage to a new Enrollee as described under *Reporting Requirements, G.3.*
7. The Enrollee shall allow the Regional Board, or an authorized representative or any representative of the U.S. EPA, upon the presentation of credentials and other documents as may be required by law, to:
 - Enter upon the Enrollee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Order;
 - Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order;
 - Inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order; and
 - Sample or monitor at reasonable times, for the purpose of assuring compliance with this Order or as otherwise authorized by the Clean Water Act or California Water Code, any substances or parameters at any location.
8. A copy of this Order and the Enrollment Letter shall be posted at a prominent location at or near the Enrollee's facility or activity, and shall be available to operating personnel at all times.
9. The provisions of this Order and the Enrollment Letter are severable and if any provision of this Order or the Enrollment Letter, or the application of any provision of this Order or the Enrollment Letter, to any circumstances is held invalid, the application of such provision to other circumstances, and the remainder of this Order and the Enrollment Letter, shall not be affected thereby.
10. The Enrollee shall comply with any interim effluent limitations as established by addendum, enforcement action or revised waste discharge requirements, which have been adopted by this Regional Board.
11. All analytical data shall be reported uncensored with detection limits and quantitation limits identified. For any effluent limitation, compliance shall be determined using appropriate statistical methods to evaluate multiple samples. Sufficient sampling and analysis shall be conducted to determine compliance.
12. Published values for the Method Detection Limits (MDLs) (defined below) should be used except where revised MDLs are available from recent laboratory performance evaluations,

in which case the revised MDLs should be used. Where published values are not available, the Regional Board will determine appropriate values based on available information, including information submitted by the Enrollee upon request of the Regional Board.

13. MDL is the minimum concentration of a substance that can be measured and reported with 99% confidence that the analyte concentration is greater than zero, as defined in 40 CFR Part 136 Appendix B.
14. This Order does not exempt the Enrollee from compliance with any other laws, regulations, or ordinances that may be applicable.
15. This general NPDES permit does not preempt or supersede the authority of other state or local agencies to prohibit, restrict, or control the discharge of hydrostatic test water and potable water discharges from facilities subject to this Order in any manner subject to their authority.

G. REPORTING REQUIREMENTS

1. The Enrollee shall give advance notice to the Regional Board of any planned changes in the permitted facility or activity that may result in noncompliance with the requirements of this Order or the Enrollment Letter.
2. Reports for annual proposed discharges, as described in *Application Requirements, E.2* and *E.3*, have to be submitted on a yearly basis, starting with the initial application for enrollment.
3. The Enrollee must notify the Regional Board in writing, at least 30 days in advance of any proposed transfer of enrollment and responsibility for compliance with this Order to a new Enrollee. The notice must include a written agreement between the existing and new Enrollee containing a specific date for the transfer of this Order's responsibility and enrollment between the current Enrollee and the new Enrollee. This agreement shall include an acknowledgement that the existing Enrollee is liable for violations up to the transfer date and that the new Enrollee is liable from the transfer date on.
4. The Enrollee shall report any noncompliance that may endanger health or the environment. Any information shall be provided orally to the Regional Board within 24 hours from the time the Enrollee becomes aware of the circumstances. The Enrollee shall submit a written report within 5 days, containing a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The written report shall be included with the monitoring report for the period in which the noncompliance occurred, or earlier if requested by the Regional Board. The following occurrence(s) must be reported orally to the Regional Board within 24 hours:
 - Any exceedence of the effluent limitations specified in this Order or the Enrollment Letter.

- Any violation of any of the prohibitions of this Order or the Enrollment Letter.
5. The Enrollee shall notify the Regional Board as soon as it is known or there is reason to believe that any activity has occurred or which will occur which would result in the discharge of any toxic pollutant which is not limited in this Order, if the concentration of that pollutant(s) will exceed the following notification level:
- One hundred micrograms per liter (100 µg/L);
6. The Enrollee shall furnish to the Regional Board, within a reasonable time, any information which the Regional Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order or an Enrollment Letter, or to determine compliance with this Order or other requirements established by the Regional Board. The Enrollee shall also furnish to the Regional Board, upon request, copies of records required to be kept by this Order or the Enrollment Letter.
7. The Enrollee shall provide adequate notice to the Regional Board of the following:
- Any new introduction of pollutants to the discharge.
 - Any substantial change in the volume or character of pollutants being introduced into the discharge.
 - For the purpose of this provision, adequate notice shall include information on
 - ♦ The quality and quantity of waste introduced into the discharge,
 - ♦ Relocation of the point of discharge or change in the storm drain or conveyance system used to discharge to surface waters within the San Diego Region, and
 - ♦ Any anticipated impact due to the change of the quantity or quality of effluent to be discharged to surface waters within the San Diego Region.
8. Where the Enrollee becomes aware that it failed to submit any relevant facts in an application, or submitted incorrect information in an application, or in any report to the Regional Board, it shall promptly submit such facts or information.
9. This Order expires on August 14, 2007. However, it will continue in force and effect until a new general permit is issued or the Regional Board rescinds this general permit.
10. All applications, reports, or information submitted to the Regional Board shall be signed and certified in accordance with 40 CFR 122.22 (*Attachment C*).
11. Except for data determined to be confidential under 40 CFR, Part 2, all reports prepared in accordance with the terms of this Order shall be available for public inspection at the offices of the California Regional Water Quality Control Board, San Diego Region and the United States Environmental Protection Agency, Region 9. As required by the Clean Water Act,

Reports of Waste Discharge, this Order, and effluent data shall not be considered confidential.

12. Dischargers submitting an application for authorization to discharge under this Order shall notify the agency/municipality that owns, operates, and maintains the storm drain conveyance system that the Enrollee proposes to use as a discharge conveyance system to a surface water.
13. The Enrollee shall submit written notification of the termination of the discharge to the Regional Board within 30 days of termination of the discharge.
14. The Enrollee shall submit reports required under this Order to:

California Regional Water Quality Control Board
San Diego Region
ATTN: Industrial Compliance Unit
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

Notifications required to be provided to this Regional Board shall be made to:

Telephone - (858) 467-2952, or
Facsimile - (858) 571-6972

H. EMERGENCIES

The discharger shall establish a set of Best Management Practices (BMPs) that would address unforeseeable emergencies which could not have been prevented or avoided by the exercise of due care or foresight (e.g. water main breaks). During an emergency, BMPs shall be implemented, whenever feasible, to reduce pollutants possibly contained in the discharge to reach receiving waters. The BMPs should include source control BMPs to minimize contact between pollutants and flow (e.g. rerouting of flow to prevent erosion, which can lead to sedimentation in discharge) as well as treatment control BMPs to remove pollutants present in the discharged water before it enters the storm drain system. Implementation of BMPs shall not interfere with necessary repair operations or impact public health and safety. A copy of the BMPs addressing emergencies has to be submitted to the Regional Board no later than 180 days after the Enrollment Letter is issued.

I. NOTIFICATIONS

1. California Water Code Section 13263(g) states:

"No discharge of waste into the waters of the State, whether or not such discharge is made pursuant to waste discharge requirements, shall create a vested right to continue such discharge. All discharges of waste into waters of the State are privileges, not rights."

2. The Enrollee must comply with all conditions of this Order. Any permit noncompliance constitutes a violation of the Clean Water Act and the Enrollee will be subject to enforcement action; permit termination, revocation, reissuance, or modification; and/or denial of a new Enrollee application in accordance with 40 CFR 122.41(a).
3. Nothing in this Order shall be construed to relieve the Enrollee from civil or criminal penalties for noncompliance.
4. Nothing in this Order shall be construed to preclude the institution of any legal action or relieve the Enrollee from any responsibilities, liabilities, or penalties to which the Enrollee is or maybe subject to under Section 311 of the Clean Water Act.
5. Nothing in this Order shall be construed to preclude institution of any legal action or relieve the Enrollee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by Section 510 of the Clean Water Act.
6. If the Water Quality Control Policy for Enclosed Bays and Estuaries of California is revised, this Order may be modified to incorporate such revisions.
7. This Order shall become effective 10 days after the date of its adoption, provided the Regional Administrator or Director, United States Environmental Protection Agency, has no objection. If the Regional Administrator or Director objects to its issuance, this Order shall not become effective until such objection is withdrawn.

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Diego Region, on August 14, 2002.

TENTATIVE
JOHN H. ROBERTUS
Executive Officer
August 14, 2002